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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,041	07/17/2003	Andreas Schleth	442-192	2260
7590	03/25/2004		EXAMINER	
Charles R. Hoffmann, Esq. HOFFMANN & BARON, LLP 6900 Jericho Turnpike Syosset, NY 11791			PICKARD, ALISON K	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,041	SCHLETH ET AL.	
	Examiner	Art Unit	
	Alison K. Pickard	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-17-03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. Please use proper headings.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoll (6,173,969).

Stoll discloses a sealing ring having an annular body 15 with a sealing body 16 disposed in a groove 25/32. The groove is wider at the top than the bottom. The groove volume is at least equal to the sealing body volume so that the material is received when deformed (see col. 5, lines 55-64). The seal 16 has a bead and inner and outer free spaces 27' and 27. The sealing ring has plural retaining projections 33. The body can be made of a thermoplastic while the seal can be made of an elastomeric-plastic. Although considered a process (and given little patentable weight in a product claim) the seal can be injection molded on the body.

4. Claims 1, 2, 4-6, 10, 11, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (2,513,178).

Jackson discloses a sealing ring having two sealing bodies 13 disposed in grooves 12 in an annular body 10. The groove volume is equal to or greater than the seal body volume so that

the material is received when deformed (see col. 3, line 68 through col. 4, line 10). The seal has a bead and inner and outer free spaces, which are delimited by the bead and groove flank.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of Nenzell (2,722,043).

Jackson does not disclose that the two seal bodies are connected by integral bridges. Nenzell teaches a sealing ring having a body 10 and two seal bodies 17 and 18. Nenzell teaches forming the seals such that they are integrally connected via webs 13 in the body. Nenzell teaches that the webs secure the bodies together and against movement within the body 10. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the sealing ring of Jackson by using the webs taught by Nenzell to secure the seal bodies to each other and against movement within the principle body.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoll. Stoll does not disclose the claimed shapes of the free spaces, i.e. that the inner space has a larger cross-section, is deeper, or wider than the outer space. These are considered design choices, as applicant has not stated the shapes serve a specific function or provide an unexpected result. See *In re Dailey*, 149 USPQ 47 (CCPA 1966). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to form the inner and outer free

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spaces such that the inner space was larger, deeper or wider than the outer space as a matter of choice in design.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alison K. Pickard
Primary Examiner
Art Unit 3676

AP